

REMARKS

Claims 1-8, 10, 11, 13-15, 17, 18, 20, 21, 23-25 and 28 are now pending in the application. Claims 1, 2, 10, 11, 18, 20, 21, 24, and 25 are now amended. Claims 9, 12, 16, 19, 22, 26, and 17 are now cancelled.

The claim amendments are supported by the application as filed and do not introduce new subject matter. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

TELEPHONIC INTERVIEW

Applicants' representative, Brent G. Seitz, thanks Examiner Prone for the courtesies extended during the telephonic interview of March 15, 2005. During the interview, the Examiner indicated that the recitation of a "dimension" in the claims was indefinite because it was not clear where on the components the dimension is being measured. Applicants respectfully disagree. However, in order to expedite prosecution of this application, Applicants now amend the claims as necessary to generally recite a "maximum" dimension. No agreements were reached during the interview.

ELECTIONS/RESTRICTIONS

Claims 9, 12, 16, 19, 22, 26, and 27 stand withdrawn as allegedly being directed to a non-elected invention. Applicants maintain that consideration of all of the claims as filed will not place an undue burden on the Examiner. However, in order to expedite prosecution of this application, Applicants now cancel the withdrawn claims.

REJECTION UNDER 35 U.S.C. § 103

Claims 1-8, 10, 11, 13-15, 17, 18, 20, 21, 23-25, and 28 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Colleran et al. (U.S. Pat. No. 5,776,201). This rejection is respectfully traversed.

It is conceded in the Office Action that "Colleran does not specifically recite that the first and second femoral components have different overall medial to lateral dimensions." See 12-27-05 Office Action at 3. However, it is alleged in the Office Action that "It would have been obvious to one having ordinary skill in the art at the time the invention was made to vary the medial to lateral dimension in order to provide the surgeon with options for finding the best fit for each patient." *Id.*

Applicants respectfully submit that a prima facie case of obviousness is not established in the Office Action. As set forth in M.P.E.P. Section 2141:

To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the references or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference ... must teach or suggest all the claim limitations.

See M.P.E.P. § 2142 at 2100-134.

As set forth in the "Background Of The Invention" section of Applicants' application, "Conventional knee joint prostheses do not provide multiple femoral components of varying ML widths to match femurs having varying ML widths. This variation in ML widths typically occurs between different sized patients and the male and female anatomy." See Application at ¶ [0014]. Applicants' invention fulfills this need by providing a prosthesis system that generally includes femoral components of

different maximum overall medial to lateral dimensions or widths. Such a system permits the physician to select the optimal ML width for the patient, without changing the anterior to posterior dimension of the implant.

The Colleran reference fails to provide any suggestion or motivation for providing a prosthesis system that includes different femoral components having substantially the same maximum AP dimensions, but different maximum ML dimensions, as generally claimed by Applicants. Further, the Office Action fails to identify any suggestion or motivation in the knowledge generally available to one of ordinary skill in the art to modify the Colleran et al. reference to arrive at Applicants' invention. The Colleran reference teaches a set of different sized knee implants where both the AP dimension and the ML dimension changes when you switch between different size implants. Therefore, the Colleran reference teaches away from Applicant's claimed invention, which is directed to maintaining the same AP dimension while varying the ML dimension between at least two femoral components.

Therefore, Applicants respectfully request reconsideration and withdrawal of the presently outstanding rejection of Claims 1-8, 10, 11, 13-15, 17, 18, 20, 21, 23-25, and 28 under 35 U.S.C. § 103(a).

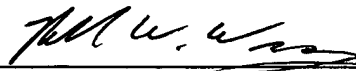
CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and

favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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